REMARKS/ARGUMENTS

The Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I. Claims 1-32 and 57, drawn to oligonucleotide-negatively charged minor groove binder.

GroupII. Claims 33-54, drawn to negatively charged minor groove binder compounds.

Group III. Claims 55 and 56, drawn to methods of identifying a nucleic acid.

Group IV. Claims 58 and 59, drawn to inhibiting gene expression and DNA replication comprising administering an oligonucleotide negatively charged minor groove binder conjugate.

Group V. Claims 60 and 61, drawn to inhibiting methods of treating cancer comprising administering an oligonucleotide negatively charged minor groove binder conjugate.

Group VI. Claims 62 and 63, drawn to methods for treating viral infection comprising administering an oligonucleotide negatively charged minor groove binder conjugate.

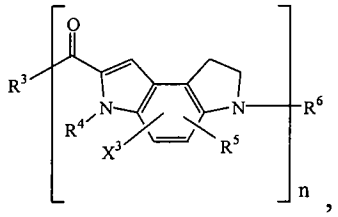
In response, Applicants elect Group I with traverse and believe that a full search of the compounds, compositions and methods would **not** be unduly burdensome on the Office. Applicants respectfully request reconsideration.

The Examiner further requires Applicants to elect a single species completely defined by all recited variables R's, n's, p's, L's, NMGB's, FL's, ODN's, Q's, X's, Y's, W's, Z's, a's, b's, c's, d's, e's, f's, g's, h's, j's, k's and l's. In response, Applicants elect the species as identified by the variables set forth below. Claims reading on the elected species include 1, 2, 4-6, 10-20, 24, 25, 27-28, 30-32 and 57. This election is made with traverse.

Applicants believe that the search and consideration of more than a single species would not constitute a serious burden on the Examiner. In particular, Applicants note that the oligonucleotide-negatively charged minor groove binder conjugate under the claimed genus are

related to each other by design. For example, the claimed genus of oligonucleotide-negatively charged minor groove binder conjugate comprises a negatively charged minor groove binder moiety and an oligonucleotide moiety covalently attached to the negatively charged minor groove binder moiety. Applicants respectfully request that the genus of oligonucleotide-negatively charged minor groove binder conjugate set forth in claim 1 be examined on the merits.

Election of species

NMGB is  ,

wherein:

n is 4;

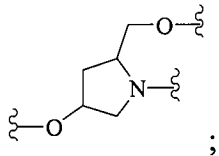
R^4 is H;

X^3 and R^5 are H for the first and the fourth repeat units;

X^3 is H and R^5 is SO_3H for the second and the third repeat units;

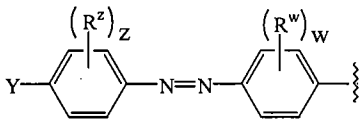
R_3 is R^9-O-L^3-N(R^b)-, wherein R^9 is H, L^3 is a 3-carbon linker and R^b is H;

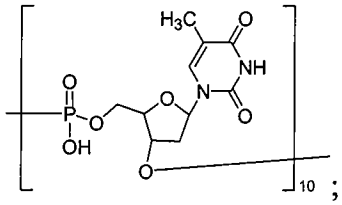
R^6 is -L^x-Z^x, wherein L^x is a 3-carbon linker, Z^x is a point of attachment to acidic moiety -PO_3H;

L^1 is  ;

b_1 is 1;

a_1 is 1;

Q is  , wherein Y is NO_2; z is 1; R^z is Cl; w is 0;

ODN is 

;

c_1 is 1;

d_1 is 1;

L^2 is a linker, such as a 7-carbon linker; and

FL is fluorescein.

Claims 1-63 are pending. Claims 33-56 and 58-63 have now been withdrawn. Therefore, upon entry of this Response, claims 1-32 and 57 will be pending in the above-identified application.

In view of the foregoing, Applicants respectfully request an early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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